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10 **Attorneys for Plaintiff**

11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 **EQUAL EMPLOYMENT**
14 **OPPORTUNITY COMMISSION,**

15 **Plaintiff,**

16 **v.**

17 **GEORGIA-PACIFIC CORRUGATED**
18 **LLC,**

19 **Defendant.**

20 **CIVIL ACTION NO.**

21 **AMENDED COMPLAINT- CIVIL RIGHTS**
22 **EMPLOYMENT DISCRIMINATION**
23 **(42 U.S.C. §§ 2000e, *et seq.*)**

24 **JURY TRIAL DEMAND**

25 **NATURE OF THE ACTION**

26 This is an action under Title I of the Americans with Disabilities Act of 1990 and Title I of
27 the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of disability and
28 to provide appropriate relief to Charging Party Janet Stege who was adversely affected by such
practices. The Commission alleges that Ms. Stege was unlawfully denied a reasonable
accommodation of her disability, Fibromyalgia.

29 **JURISDICTION AND VENUE**

30 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and
31 1345. This action is authorized and instituted pursuant to Section 107(a) of the Americans with
32 Disabilities Act of 1990 ("ADA"), 42 U.S.C. §12117(a), which incorporates by reference Section

1 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §2000e-5(f)(1)
2 and (3) and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

3 2. The employment practices alleged to be unlawful were and are now being committed within
4 the state of California, County of Alameda, City of San Leandro which is within the jurisdiction of
5 this court.

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7 **INTRADISTRICT ASSIGNMENT**

8 3. This action is appropriate for assignment to San Francisco/Oakland because the unlawful
9 employment practices alleged were and are being committed in Alameda County.

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11 **PARTIES**

12 4. Plaintiff, the Equal Employment Opportunity Commission (EEOC), is the agency of the
13 United States of America charged with the administration, interpretation, and enforcement of Title I
14 of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C.
15 § 12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C.
16 §2000e-5(f)(1) and (3).

17 5. At all relevant times, Defendant Georgia-Pacific Corrugated LLC (Defendant) has
18 continuously been a Delaware Limited Liability Company, doing business in the State of California,
19 in the County of Alameda, and has continuously had at least fifteen employees.

20 6. At all relevant times, Defendant Georgia-Pacific Corrugated LLC has continuously been an
21 employer engaged in an industry affecting commerce under Section 101(5) of the ADA, 42 U.S.C. §
22 12111(5), and Section 101(7) of the ADA, 42 U.S.C. § 12111(7), which incorporates by reference
23 Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

24 7. At all relevant times, Defendant Georgia-Pacific Corrugated LLC has been a covered entity
25 under Section 101(2) of the ADA, 42 U.S.C. § 12111(2).

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STATEMENT OF CLAIMS

8. More than thirty days prior to the institution of this lawsuit, Charging Party Janet Stege filed a charge with the EEOC alleging violations of Title I of the ADA by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least April of 2004, Defendant has engaged in unlawful employment practices at its San Leandro, California facility in violation of Section 102(a) and (b)(5)(A) of the ADA, 42 U.S.C. § 12112(a) and (b)(5)(A). Specifically, Defendant refused to provide a reasonable accommodation to Ms. Stege based on her disability, Fibromyalgia.

10. The effect of the practices complained of in paragraph 9 above has been to deprive Ms. Stege of equal employment opportunities and otherwise to adversely affect her status as an employee because of her disability.

11. The unlawful employment practices complained of in paragraph 9 above were and are intentional.

12. The unlawful employment practices complained of in paragraph 9 above were and are done with malice and/or reckless indifference to the federally protected rights of Ms. Stege.

PRAYER FOR RELIEF

WHEREFORE, the EEOC respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice which discriminates on the basis of disability.

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Ms. Stege, by providing appropriate lost income with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

1 D. Order Defendant to make whole Ms. Stege by providing compensation for past and
2 future pecuniary losses resulting from the unlawful employment practices described above, including
3 medical expenses, with interest, in amounts to be determined at trial.

4 E. Order Defendant to make whole Ms. Stege by providing compensation for past and
5 future non-pecuniary losses resulting from the above unlawful employment practices, including pain
6 and suffering, emotional distress, indignity, loss of enjoyment of life, loss of self-esteem, and
7 humiliation, in amounts to be determined at trial.

8 F. Order Defendant to pay Ms. Stege punitive damages for its malicious and reckless
9 conduct described above, in amounts to be determined at trial.

10 G. Grant such further relief as the Court deems necessary and proper in the public
11 interest.

12 H. Award the EEOC its costs in this action.

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JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

RONALD COOPER
General Counsel

U. S. EQUAL EMPLOYMENT
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February 27, 2008

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